

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.17369 of 1998

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to proceedings of the second respondent dated 22.11.1991, which were confirmed by first respondent vide proceedings dated 1.7.1992 and 9.3.1998 and quash the same as arbitrary, illegal and violative of principles of natural justice and further direct the respondents to reinstate the petitioner into service with all consequential benefits.

It appears, petitioner was recruited as Group-D worker in the Respondent-Coffee Board at Paderu with effect from 2.8.1973. Thereafter, on 28.1.1978, he was promoted as Laboratory Attender and posted to Milaveu Test Kallpetta, Kerala State. Subsequently he was promoted as Grade-II Depot Clerk and posted at Pool Sales Depot (Marketing Department) Vijayawada. During 1978-87, he worked in several capacities as Junior Clerk in the office of Senior Liaison Officer, Coffee Board, Mallandur, Karnataka and as Senior Clerk in the office of Deputy Chief Coffee Marketing Officer, Coffee Board, Vijayawada. He worked as Assistant Coffee Inspector at Narsipatnam and finally he was sent on deputation to Indian Coffee House, ATLA, Hyderabad. He worked as Assistant Sales Officer with effect from 29.6.1987 at India Coffee Board Depot, Warangal and worked as such upto 3.1.1991. While that being so, vide order of the Chief Coffee Marketing Officer, Vigilance Division, Bangalore dated 3.1.1991, petitioner was placed under suspension pending disciplinary proceedings and was relieved from duty as Assistant Sales Officer at Warangal on 22.1.1991 under the instructions of Assistant Director of Promotion, Coffee Board, Hyderabad. In the meantime, the third

respondent filed a complaint before the Inthezangir Police Station against the petitioner under Section 408 of Indian Penal Code, which was reported to I Addl. Munsif Magistrate, Warangal as "Undetectable AO Case" on 23.7.1992. Apart from that, petitioner was issued with a charge memo dated 13.8.1991 on the ground that he sold stocks on 13.12.1990, but he did not account for the same. The petitioner submitted his explanation stating that he was attending to other officer work, with a view to write bills in the evening and remit the said amount on the next day, therefore, he has not committed any misconduct. However, after conducting a detailed enquiry, petitioner was removed from service. Questioning the same, he filed appeal and revision before appellate and revisional authorities, and the same were dismissed. Hence this writ petition.

It is the case of the petitioner that the explanation submitted by him was not properly considered. Assuming that the charge is proved, punishment of removal from service is shockingly disproportionate to that of the misconduct alleged against him.

There is no necessity of going into all the details.

The petitioner has categorically admitted that he has sold 1089 kgs. of coffee which costs about Rs.34,474-95 ps., but he did not account for the same. The petitioner has not brought to the notice of this Court anything unusual in the process of decision making by the disciplinary authority or the appellate authority. In view of the admission made by the petitioner, I see no reason to interfere with the impugned order passed by the respondents. Assuming, this is the first misconduct, it does not inspire the confidence of the Court to come to the conclusion that the punishment imposed against the petitioner is disproportionate to that of the misconduct alleged. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

C.V.RAMULU, J

Date: 25.4.2007

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**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.17369 of 1998

Dated: 25th April 2007

Between:

P.Rambabu

... Petitioner

and

The Secretary, Ministry of Commerce,
Government of India, New Delhi
and others.

... Respondents